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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,023	07/30/2003	Glenn F. Evans	MS1-1345USC1	9514
22801	7590	04/05/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER KHOSHNOODI, NADIA	
			ART UNIT	PAPER NUMBER
			2137	
			NOTIFICATION DATE	DELIVERY MODE
			04/05/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/631,023

Applicant(s)

EVANS ET AL.

Examiner

Nadia Khoshnoodi

Art Unit

2137

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-94.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

  
**EMMANUEL L. MOISE**  
SUPERVISORY PATENT EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: Examiner has reviewed the arguments presented regarding patentability in full, however finds that the arguments are not persuasive. In one instance, Applicants argue that Nason fails to teach "at least one of said acts of decrypting and re-encrypting taking place on a per cache page basis." Examiner respectfully disagrees. Nason teaches that various portions of the frame buffer, i.e. portions of a cache, are obfuscated but de-obfuscated for display and then re-obfuscated, i.e. re-encrypted, after being displayed (par. 56, lines 2-15 and par. 58, lines 9-13). Specifically, Examiner would like to note that when these portions of encrypted data are brought into main memory, they are brought into the cache (as a cache contains the most recently used/accessed items). Thus, when that data portion is held in the frame buffer, it is also in the cache where this data is then pulled after being displayed in order to be re-encrypted for maintaining its security. Examiner would also like to note, as discussed in the interview, that the specification on pages 26-27 which specifically describe other aspects of this feature of operations being performed on a per cache page basis are more narrow in scope than the claimed limitation of "...on a per cache page basis" and thus, as broadly interpreted according to MPEP 2111, Nason teaches at least one of said acts of decrypting and re-encrypting taking place on a per cache page basis. In another instance, Applicants contend that the references of record fail to teach "a cryptographic processor that resides on the video card" as well as that "Garcia is non-enabling with respect to "a cryptographic processor that resides on the video card." Examiner respectfully disagrees. Garcia, being one of ordinary skill in the art prior to the time this invention was made, clearly stated motivation for incorporating a cryptographic processor to reside on the video card to carry out various encryption/decryption operations (par. 3, lines 15-22). Furthermore, in the cited passage, Garcia suggests that one would be motivated to modify Nason to incorporate the cryptographic processor into the video card to allow for carrying out cryptographic functions at a low cost, as well as more easily. Also, Examiner would like to point out that Nason invites the combination of performing the encryption functions on hardware, and although the specific term "cryptographic processor" is not used, the functionality described by Nason is equivalent to a cryptographic processor (i.e. a hardware element with encryption processing capabilities) (see Nason, par. 41). Therefore, the combination of Nason and Garcia provide a cryptographic processor that resides on the video card. For other arguments not specifically addressed/clarified herein, please refer to the Final Office Action mailed 12/7/2006. For the reasons stated above, Examiner concludes that the claims, as presented, are not patentably distinct from the cited prior arts of record.

*Nadia Rhushwood*

3/9/2007